

In re Appl. No. 09/327,382

The Examiner has further rejected claims 1, 2 and 5 under 35 U.S.C. 102(b) as being anticipated by Dekant (German patent No. 2,615,267), claims 1, 2 and 5 under 35 U.S.C. 102(b) as being anticipated by Brown (U.S. Patent No. 1,422,826), claims 1, 3, 5 and 6 under 35 U.S.C. 102(b) as being anticipated by Rizzuto et al. (U.S. Patent No. 4,870,250), claim 4 under 35 U.S.C. 103(a) as being unpatentable over Rizzuto et al. In view of Thaler et al. (U.S. Patent No. 4,581,519), claim 7 under 35 U.S.C. 103(a) as being unpatentable over Rizzuto et al. in view of Brill (U.S. Patent No. 4,939,340), and claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Dekant in view of Zaborowski (U.S. Patent No. 4,917,078).

Applicant respectfully traverses all of these rejections especially as applied to new claims 10-25.

New independent claim 10 provides for at least one of the two plate portions having ridges substantially the full length of three sides of the plate portion so that inadvertent contact with the skin of the user will not cause excessive sensation of heat (see pg. 4, lines 4-5 of the specification).

In comparison, the end piece 36, 45 with side projections are attached at the front end of plate 15 of Rizzuto leaving substantially the full length of two sides without the protection of ridges (see Fig. 8 of Rizzuto). Clearly, Rizzuto does not afford the same protection from excessive heat as claimed by Applicant.

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New independent claim 11 provides a flocking treatment area from a side perimeter to a back outer surface of at least one of the plate portions. The heating plate is not provided with the flocking treatment.

Further, when the levers grip hair, the heating plates without flocking are not exposed, and the exposed outer surface of the plate portions of the lever are covered with flocking all over. Therefore, hair gripped between the plates can be effectively heated, and further, the excessive sensation of heat can be prevented.

In comparison, Thaler et al., merely teaches flocking over a cylindrical heater which corresponds to the "plate" in the present invention. Thaler does not teach flocking around the plate portions of the lever members. In addition, in Rizzuto et al., the heater is detachably and turnably attached to the lever.

Accordingly, there is no teaching of applying the flocking of Thaler et al., to Rizzuto et al., since the skilled artisan would not know where to apply the flocking. Further, even if one could apply the flocking of Thaler et al., to the device of Rizzuto et al., (not admitted) it would merely result in a hair styling iron with a detachable heater with a flocking treatment. A hair styling iron having levers covered with flocking treatment around the back of plate portion as claimed does not result from combining Thaler and Rizzuto.

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In addition to the above identified structural differences between the claimed invention and the prior art, the dependent claims provide additional structural differences.

Accordingly, dependent claims provide for a pilot lamp on the claimed styling iron which blinks at predetermined intervals. The pilot light serves not only as an on-off indicator but also as a timer which clocks the time that hair styling is performed. The pilot light of Brill is merely an on-off indicator which indicates that styling iron is "on" or "off". The Brill pilot light does not perform as a timer and therefore cannot assess the time used to style.

Further, the finger resting feature provided in dependent claims provides a heat-insulating function and a heat-radiation function. Thus, there is a space between the finger resting portion and the body of lever and the space is open at both lateral sides. Accordingly, air in the space functions as a good heat insulating element. Additionally, the finger resting element is contacted with air over a broad area which radiates heat.

In comparison, the finger resting portion of Zabrowski which has many spaced ribs standing away from the surface of the jaw member (lever) merely performs a heat-radiation function. However, there is no space between the surface of the ribs and the body of the jaw member as in the claimed device. Therefore, even if it were obvious to combine the

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finger resting portion of Zabrowski to Dekant (not admitted), the finger resting portion of the claimed invention and all its functions does not result.

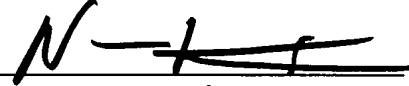
From the above, it is clear that the claimed invention provides unique features beyond those by the prior art.

Applicant submits that the invention is new and unobvious and not disclosed by the cited art. Accordingly, Applicant respectfully solicits the Examiner's early review and issuance of this application.

Respectfully submitted,

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